

GRANT COUNTY PLANNING COMMISSION

TRANSCRIPT

OF

PUBLIC HEARING

Zoning Map Amendment

A-1 TO PUD - BATON ROUGE LAND CO.

Date: January 24, 2005

Time: 7:00 p.m.

Place: Grant County Courthouse  
101 North Main Street  
Williamstown, Kentucky 41097

SHERI A. MCKINLEY, CCR, RPR  
MCKINLEY & ASSOCIATES REPORTING  
& VIDEO SERVICES  
1300 NORTH MAIN STREET  
WILLIAMSTOWN, KENTUCKY 41097  
(859) 428-3865 FAX 428-3237

- 1 APPEARANCES:
- 2 Jonathan S. Britt, Planning Director/Administrator
- 3 Thomas Nienaber, Attorney

1-24-05 baton rouge public hearing.txt  
4 Ray Erpenbeck, Engineer  
5 Becky Ruhoff, Office Manager  
6  
7

8 COMMISSION MEMBERS  
9

10 John Lawrence, Chairman  
11 Vernon Webster, Vice-Chairman  
12 Bill Marksberry, Treasurer  
13 Nick Kinman, Secretary  
14 William Covington  
15 Rick Dalton  
16 Nancy Duley  
17 Marlon Kinsey  
18 Dan Scroggins  
19 Howard Brewer, Jr.  
20  
21  
22  
23  
24  
25

2

1 ITEM NUMBER 6

2 MR. CHAIRMAN: Item Number 6 on the agenda,  
3 Zoning Map Amendment, Agricultural-1 to Planned Unit  
4 Development, Baton Rouge Land Company. This is Item  
5 Number 6. If we have everybody's attention, we'll  
6 get back to the grindstone here.

7 (OFF THE RECORD)

8 MR. CHAIRMAN: Okay. We'll go to Item Number 6,  
Page 2

9 Zoning Map Amendment to Agricultural-1 to Planned  
10 Unit Development by Baton Rouge Land Company, and  
11 I'll ask if all the fees have been paid and the  
12 proper notification has been given?

13 MS. RUHOLL: Yes.

14 MR. CHAIRMAN: We'll declare the public hearing  
15 open, and we'll invite a person from the Baton Rouge  
16 Company to introduce himself again -- reintroduce  
17 himself and explain to us what -- concerning 78 acres  
18 at the corner of Arnie Risen and Baton Rouge.

19 MR. BERLING: I'm Jim Berling, the engineer for  
20 this development also. And the same players as --  
21 Mr. Heidrick is partner, and we have other partners.  
22 And Mr. Gehrum is here again to address some of the  
23 preliminary concerns.

24 Anyway, what we're trying to do here is a  
25 residential development on a corner. We have

3

1 purchased the property.

2 The idea that we're putting forward here is a  
3 planned development concept. We've got a lot of open  
4 space, a lot of park land around there. Right in the  
5 middle of the site you'll notice there's a -- there's  
6 about four lots that have been set aside for a  
7 recreation center. It would have a clubhouse, pool  
8 and playground for the kids, as well as a central --  
9 central place. The idea on this type of development  
10 is that you take a little bit out of each lot and  
11 create a lot of open space. It's a trend that's  
12 pretty popular in development communities now. We

1-24-05 baton rouge public hearing.txt  
13 did the Triple Crown Development, and we were  
14 building \$800,000 houses on 200-foot lots when we  
15 started back in '91. Now you can do \$800,000 on a  
16 130-foot lot. It's just a little different trend in  
17 the development scheme. We think this will work very  
18 well in your area.

19 we did propose a little different use out along  
20 Arnie Risen. We would -- we got the potential for a  
21 multi-family use, which would be attached housing of  
22 some type. We've got a few examples here that we  
23 brought along if somebody wants to see them. We'll  
24 show them in a little bit. And some kind of  
25 neighborhood commercial just to serve the area at

4

1 that corner might work very well for that.

2 We first met with Jonathan and showed him the  
3 263 or 264 lots, and then went back and we gave him a  
4 modified plan showing the possibility of the use, the  
5 absolute use of the other two parcels at the  
6 intersection for the -- the attached multi-family and  
7 the neighborhood commercial.

8 We got two major entrances into there; one of  
9 them winds up with the loop that comes over the  
10 railroad, and the other one comes off Arnie Risen  
11 about halfway through the property. Both of those  
12 entrances will have entrance walls and monumentation  
13 and a theme. We picked a couple of different themes.  
14 We ended up with Thoroughbred Run. We think that's  
15 kind of -- sort of significant to Kentucky, and  
16 it's -- we like it. That's the one we ended up  
17 working with. The first theme we came up with had

18 already been used. But we wanted to do -- we want to  
19 do that in the marketing and in the development.

20 A new sanitary sewer runs right through the  
21 middle of the property, so we have a sanitary sewer.  
22 We have water adjacent to the site, and it will be  
23 developed with a large lake which will serve as  
24 erosion control during construction, and as an  
25 amenity after construction is over. The -- we find

5

1 those are pretty popular, for people like to live on  
2 big water like that.

3 The development will naturally start up in the  
4 front, and we'll probably hold off on the commercial  
5 or attached housing until we get some of the singles  
6 gone, done and worked out in the back there. But it  
7 will -- it will move from front to back. The  
8 community center will be developed in the early  
9 phases of the development. I guess that's about it.  
10 Any questions?

11 MR. HEIDRICK: I've got some -- David Heidrick  
12 again, I'm sorry. We've had some questions some  
13 people had asked in the last couple of weeks, what  
14 types of houses are going to be developed, what types  
15 of multi-family or attached housing will be  
16 developed.

17 I've got some photographs here. These  
18 photographs come from projects in and around  
19 Indianapolis. We have been working for the last --  
20 for a number of months with a company out of  
21 Indianapolis by the name CP Morgan on an attempt to

1-24-05 baton rouge public hearing.txt  
22 develop this jointly with them. They're not sure  
23 that they're going forward in this market. We've  
24 committed to go forward anyway without them. We  
25 believe in the project and the like. So while the

6

1 pictures may say C.P. Morgan on them, they're the  
2 type of housing that we can either develop ourselves  
3 and/or engage other builders in the community to  
4 develop.

5 The project, as it's laid out there, is laid out  
6 to support this type of housing, laid out to support  
7 a community center with the homeowners association,  
8 with a swimming pool; there will be a small play area  
9 called a tot lot, there will be a sports court, kind  
10 of a basketball, multi-purpose court there, hiking  
11 trails, you know, down and around the lake, and then  
12 amenities around the lake. Those are the types of  
13 things that have proven popular in other communities  
14 of this type. Residents like the ability to walk  
15 through the entire subdivision with sidewalks. They  
16 like the ability that these attached housing that we  
17 would put at the front would most likely be oriented  
18 towards seniors. Okay? It gives the ability to have  
19 multi-generations living in the same subdivision, in  
20 the same community.

21 The commercial up there in the corner, you know,  
22 my expectation, and I think our expectation, is that  
23 that commercial be very small there, maybe in the  
24 form of a convenience store or a convenience store, a  
25 dry cleaner or something like that. It would just be

7

1 to provide the ability to walk to the corner store  
2 within a subdivision.

3       Anyway, I've got to pass out these. There  
4 are -- there are three copies of each thing here, and  
5 I'll send out three sets, and just one shows some  
6 attached housing that we would try to do. One shows  
7 a typical neighborhood commercial shopping center.

8       Let me just mention the zoning for this planned  
9 unit development is not the -- the commercial zoning  
10 there is not the same as we just talked about on  
11 Barnes Road. That was Highway Commercial. This is  
12 limited to Neighborhood Commercial. So a much  
13 smaller, much less intense types of uses. I have a  
14 picture of a typical neighborhood commercial strip  
15 center, and then the types of -- some samples of  
16 types of homes in the public space that we would  
17 develop.

18       MR. CHAIRMAN: And you had mentioned the front.  
19 Are you talking about the Arnie Risen entrance; is  
20 that what you're talking about, the front, or is this  
21 the front on Baton Rouge?

22       MR. HEIDRICK: This area here would be multi --  
23 or attached and commercial. This area right here is  
24 where the community center, the swimming pool and the  
25 like would be built.

8

1       Just a couple of other notes. The plan shows  
2 222 lots at the moment. There is approximately  
3 13 acres for a combination of the attached housing,

1-24-05 baton rouge public hearing.txt  
4 commercial, both of which are within the range of  
5 what planned unit development zone allows. I believe  
6 it's no more than 15 percent for commercial and  
7 25 percent for multi-family within the PUD zone.

8 We would expect that the average selling price  
9 of a home in this neighborhood, if they were built  
10 right now, would be approximately \$150,000, 150 to  
11 \$170,000. The comprehensive plan on this site does  
12 call for residential development. The property is  
13 currently zoned agricultural. The proposed zone  
14 change therefore is in keeping with the comprehensive  
15 plan. I don't know how much more I need to say about  
16 that. It was said so -- so eloquently at the last  
17 hearing when somebody said it sure ain't  
18 agricultural.

19 MR. BRITT: Mr. Heidrick, I notice on your plan  
20 you still have neighborhood commercial or central  
21 business district as the commercial use.

22 MR. HEIDRICK: Jonathan, I don't -- I am not  
23 sure what -- I'd have to look at the PUD again. I  
24 may have picked that up. That may be, in fact, the  
25 way the PUD reads. I just want to make sure it does

9

1 not include big-box retailers --

2 MR. BRITT: No.

3 MR. HEIDRICK: -- on the corner of Baton Rouge  
4 and Arnie Risen, no.

5 MR. BRITT: It allows for -- and I don't have  
6 their official copy, but the one that we approved  
7 allows for highway commercial.

8 MR. HEIDRICK: That's not the version I have.



9 I'll find that in a minute, and we'll address that.  
10 we won't get stuck on that, and I'm sure there will  
11 be something else that we're talking about where I  
12 can look that up.

13 Some of the staff comments in the written report  
14 that we received included water and sewer issues,  
15 which Jim has addressed. There are some traffic  
16 issues that were raised, and we'll let Jack address  
17 those in just a second. There was a question about  
18 whether this site should be connected to the sites to  
19 the south of it and all the way down Barnes Road.  
20 That's a great concept, I think, if you can  
21 coordinate, you know, that type of access between the  
22 ownership. I don't believe that the owners of the  
23 property in between here and Barnes Road are  
24 interested in developing the property at this time,  
25 so --

10

1 MR. BERLING: The topography is -- it's  
2 impossible with the topography.

3 MR. HEIDRICK: Yeah, and Jim points out, the  
4 topography is nothing but plopping down over a ridge,  
5 and so it would be close to impossible to...

6 There was a mention in the staff report about  
7 the appearance of the project being managed. I think  
8 the similar concern as was raised at the last public  
9 hearing, and that is that the project be one of high  
10 quality.

11 This is a planned unit development, which by  
12 definition requires coordination between all the

1-24-05 baton rouge public hearing.txt  
13 uses. We are looking to be not the sole builder, but  
14 certainly the sole developer in here and in control  
15 of all of the lots and all of the architectural  
16 control of every house and every structure that is  
17 built in that subdivision until it's done. We will  
18 maintain control of the homeowners association until  
19 the project is nearly complete. We can't control it  
20 forever. We'll maintain control of the community  
21 facilities, the swimming pools, the basketball  
22 courts, the lake and the like until the very end. So  
23 there will be ongoing control, and that's in our best  
24 interest simply to project lot prices.

25 Jack has a couple of comments on traffic, and

11

1 while he's there I'll try and find my PUD zone.

2 MR. GEHRUM: Jack Gehrum. It's really -- what I  
3 tried to do here since this is relatively simple was  
4 to create a sheet and just kind of summarize what I  
5 thought some of the things were that were going on  
6 and what some of the issues were.

7 Looking at that you'll see that we assumed the  
8 222 single-family homes and provided the traffic in  
9 the a.m. and p.m. hours for that. Again, just making  
10 some assumptions about 50 apartment-type units and  
11 23,000 square feet of specialty-type retail, again  
12 just to get a handle on what kind of traffic we might  
13 expect from the site. This site will provide a  
14 couple of access points, one new one on Arnie Risen  
15 Road, which is about 800 feet south of existing Baton  
16 Rouge, which is good spacing for traffic in both  
17 directions. And the second access is opposite

18 Kentucky, I guess it's 3088. That access, of course,  
19 in this whole development, the orientation kind of  
20 divorces itself from the railroad issue that we were  
21 talking about, because in this particular case we  
22 have ways to get on both sides without actually going  
23 through -- through the railroad.

24 In looking at the residential portion, I think  
25 it was stated that that's the first portion that

12

1 they're really looking at proceeding with. The  
2 traffic that's coming out of there can adequately  
3 certainly be handled by the existing two access -- or  
4 proposed two access points. Just to give you a  
5 handle on that, that demands every -- like about two  
6 vehicles every minute. So it isn't really a high  
7 generator by any means.

8 I did go out there and looked at the site.  
9 There really wasn't a lot of traffic at the p.m. peak  
10 time of day. But as you know, residential generates  
11 its traffic during the a.m. when all the people leave  
12 to go to work, and of course again in the p.m. when  
13 they're returning.

14 There was a comment, something about a traffic  
15 signal, I believe, and I think it was yours,  
16 Jonathan; signals of course have to meet warrants,  
17 and I think that just looking at the residential, I  
18 don't believe that we would come near to meeting the  
19 warrant. I think any future signalization or  
20 anything like that, it's going to have to come once  
21 you know what level of retail, let's say, that

1-24-05 baton rouge public hearing.txt  
22 happens there. We'll just kind of have to look at  
23 that from that point. But I don't see the  
24 residential causing any need to have any kind of  
25 signalization or major operational controls with the  
13

1 numbers we're putting in.

2 MR. BRITT: You know, in all honesty, I think  
3 the best-case scenario is that we don't get people to  
4 use the railroad crossing at U.S. 25; they do use the  
5 bridge, which would increase the traffic that would  
6 come down that way.

7 MR. GEHRUM: That's true, it would.

8 MR. BRITT: I think that was the point that I  
9 was trying to make in the evaluation is that if we  
10 can make that intersection safer, not allow as much  
11 traffic to cross that where they would be forced to  
12 go to the bridge to get across the railroad track,  
13 make it safer, plus it may increase the traffic to  
14 cause that (INAUDIBLE)...

15 MR. GEHRUM: I would agree. If you can convince  
16 them to take it.

17 MR. CHAIRMAN: Go ahead.

18 MR. HEIDRICK: Just I've got two versions of the  
19 PUD.

20 MR. BRITT: I do, too.

21 MR. HEIDRICK: The one that I thought was the  
22 last has the neighborhood commercial. Yours  
23 apparently has highway commercial. One of the back  
24 ventures says that highway commercial was the final  
25 version.

1 MR. BRITT: Yes.

2 MR. HEIDRICK: I don't -- we would not pose a  
3 restriction that limited the commercial uses to  
4 neighborhood commercial in a central business  
5 district-type uses.

6 MR. CHAIRMAN: This is a public hearing. If  
7 anyone would like to speak to this zone change in any  
8 way, now's your opportunity to come up to the  
9 microphone up here and introduce yourself and express  
10 your concerns, pros and cons. Anyone like to speak  
11 in any way, in any manner? Seeing no one, we'll  
12 declare the public hearing closed and refer it to the  
13 commission. Do you have any questions of these  
14 gentlemen, concerns in this development?

15 MR. WEBSTER: Mr. Chairman, I understood the  
16 developer to say that they were going to maintain  
17 control of the basketball courts and the recreation  
18 area and the lake until they felt comfortable turning  
19 it over to the homeowners association, and that would  
20 lead me to believe that the developer's going to  
21 build the lake, he's going to build the community  
22 center, he's going to build the basketball courts; am  
23 I correct or am I --

24 MR. BERLING: Yes. Yes.

25 MR. WEBSTER: The developer will do that?

15

1 MR. BERLING: Yes.

2 MR. WEBSTER: Including the community center?

3 MR. BERLING: Yes.

1-24-05 baton rouge public hearing.txt  
4 MR. WEBSTER: Thank you.

5 MR. SCROGGINS: I would like to see a  
6 restriction, if possible, placed on the R-3 to  
7 prohibit rental units, to make all units deeded,  
8 condos. I don't have a problem with mixed use as  
9 long as everybody has a vested interest in -- in that  
10 use. I don't want to see, you know, \$500-a-month  
11 apartments next to \$200,000 houses. I'd like to see,  
12 you know -- I'd like to, you know, have condos next  
13 to single-families, and I think that's a better use  
14 of the property. And here -- and the only reason I  
15 say that is on this sheet, he has single-family and  
16 then he has apartments. That makes me uncomfortable.

17 MR. BERLING: What about -- I agree with your  
18 concern, and I don't -- wouldn't oppose that given  
19 the area of single-family lots. All right? But what  
20 I would be hesitant to agree to right now, the  
21 property in the front which is along Arnie Risen is  
22 identified as attached housing. Okay. If it turns  
23 out -- again, folks, we're talking about a long-term  
24 project here. If it turns out that that property is  
25 well suited for some apartments up there, okay, I

16

1 would like to see the ability to build those  
2 apartments. What I -- what I agree with you is the  
3 apartments should not be commingled on the same  
4 street with single-family houses, but if, in fact,  
5 they're in a separate division with the planned unit  
6 development and there's a street dividing them, and  
7 they're kind of contained to themselves, then I think  
8 that that would further what the PUD is designed to

9 do.

10 MS. DULEY: why do you see apartments as a  
11 benefit whether it's -- even if it's close to the  
12 commercial, why do you see that as a benefit?

13 MR. HEIDRICK: I'm not sure -- I'm not sure that  
14 it is a benefit. I'm just -- I'm saying it may some  
15 day be the most attractive method to develop, or the  
16 most attractive option to develop that corner of the  
17 property.

18 MR. SCROGGINS: But multi-family dwellings of  
19 this nature would be attractive to some of the senior  
20 residents of our community if it's something they can  
21 own but they don't have to care for the land around  
22 it, it's close. And that's kind of the way it was  
23 described to us is a mixed-use development, where you  
24 can have multi-family units in the front and  
25 single-family units in the back where you have many

17

1 gener -- multiple generations living in the same  
2 site. I don't want my grandmother living in an  
3 apartment, but I wouldn't mind her living in a condo  
4 that she owns. I mean --

5 MR. BERLING: (INAUDIBLE)...

6 MR. HEIDRICK: Mr. Berling says we don't have a  
7 problem. We'll plot them off and sell them as  
8 ownership units, like we say, if that's the desire.

9 MR. SCROGGINS: I just think that is more  
10 conducive to this high-end kind of development that  
11 you --

12 MR. HEIDRICK: We agree with you. I agree that

1-24-05 baton rouge public hearing.txt  
13 that is the best option. I just hate giving up  
14 options that we may need ten years from now, but  
15 we'll visit that then. But right now, though, that's  
16 not a problem. And we would not be opposed to that.  
17 MR. BRITT: And I would be hesitant to put that  
18 condition on it. The planned unit development is  
19 truly meant as a livable community, with apartments,  
20 with condos, with single-family, with commercial,  
21 with all of those. I think integrating all those  
22 uses together is going to be real trick. In my  
23 evaluation that's what I said. It's going to be  
24 managing that integration of all those uses is going  
25 to be the true test.

18

1 Apartments are not bad. I live in an apartment.  
2 So I think we can't categorize people who live in  
3 apartments as being less than those people who live  
4 in condos.

5 MR. SCROGGINS: That wasn't the -- that was not  
6 the inference I was making.

7 MR. BRITT: Well --

8 MR. SCROGGINS: I was making the inference that  
9 if we're building a development that is a development  
10 of the nature -- and I don't want to get in an  
11 argument with you here at this meeting, Jonathan, but  
12 if we're building a development that is along the  
13 lines of what they have presented to us, it seems to  
14 me that a more appropriate use for that R-3 zone  
15 would be condominium-type homes. Just my -- I feel  
16 like these people that want to have an ownership  
17 stake in their unit, and in many cases you can buy a



18 condo for less than you can rent an apartment.

19 MR. CHAIRMAN: You wouldn't want to guarantee  
20 that, would you? That was a joke.

21 MR. HEIDRICK: I was afraid I'd missed  
22 something.

23 MR. CHAIRMAN: He said in many cases you can buy  
24 a condo for the same price as you can rent an  
25 apartment, and I said you wouldn't want to guarantee

19

1 that. It was a joke.

2 (OFF THE RECORD)

3 MR. CHAIRMAN: Does anybody have any questions  
4 or discussions on this?

5 MR. WEBSTER: I didn't understand him to say  
6 about the phases. Is it going to be phased in and --  
7 I'm sure he covered that, and I missed it.

8 MR. HEIDRICK: I don't know that he mentioned it  
9 specifically. Our intention would be -- I don't have  
10 a plan in front of me, so if you don't mind, I'm just  
11 going to walk over here. Our intention is that the  
12 first phase would start here on Baton Rouge; we would  
13 build this entrance opposite of the bridge. Okay?  
14 Develop the community center. There would also  
15 probably be sales, you know, model homes right there  
16 around the community center. And pursuant to -- in  
17 follow-up to your question before, the people that  
18 buy the houses want to see that before they buy their  
19 houses, and that's fine; we understand that. We  
20 would develop maybe 50 to 60 lots at a time, and that  
21 would be the intention.

1-24-05 baton rouge public hearing.txt  
22 MR. CHAIRMAN: That's the reason I asked you  
23 what the front was a while ago. I wasn't sure if you  
24 were calling that the front. When you were talking  
25 about developing the front first, that's the front

20

1 you're talking about building?

2 MR. HEIDRICK: The Baton -- the Baton Rouge Road  
3 entrance would be the first development.

4 MR. BERLING: Both entrances would have the  
5 monument walls.

6 MR. BRITT: You know, again, the topography  
7 isn't the issue as far as tying the developments  
8 together. I think it could be feasible, but it's  
9 something this commission should seriously consider  
10 when we rewrite our subdivision regulations, and make  
11 that application requiring no ifs, ands or buts. I  
12 don't think you want a lot of traffic coming from, in  
13 theory, all the way from Barnes Road all the way over  
14 to Baton Rouge through the development, but it would  
15 be nice to be able to maneuver around a side street  
16 if there was an accident to get from one place to the  
17 next without having to get on the interstate or U.S.  
18 25.

19 MR. BREWER: Mr. Chairman, in order to help  
20 these gentlemen, the two lots there that abut against  
21 Arnie Risen Boulevard --

22 MR. CHAIRMAN: Uh-huh (Affirmative).

23 MR. BREWER: -- would it be a disadvantage to  
24 anybody or an advantage to anybody to leave those as  
25 A-1, go ahead with what you've got mapped on --

1 plotted on back through there; let the buyer come in,  
2 and you as the seller and the buyer would get  
3 together on those lots, let him come before this  
4 board and decide what he wants to put in there. He  
5 might want apartments. Maybe, as you said, ten years  
6 from now it might be looking a little different from  
7 today. It might look worse; that's the chance.

8 MR. BERLING: well, that's -- you can probably  
9 hear me from here.

10 MR. CHAIRMAN: Sure.

11 MR. BERLING: That's the reason we showed it as  
12 either the attached unit or the commercial, because  
13 it accomplishes the same thing. I think Jonathan  
14 will tell you, in order for this to be a viable PUD  
15 we need to have that mixture, otherwise we don't have  
16 real PUD, and that's why we put them on there. Now,  
17 what you're suggesting's going to happen, but we'll  
18 just come with the plans on that particular section.  
19 I assume on the PUD you will get another look.

20 MR. BRITT: For the streets I believe we will.  
21 I don't think so for the commercial.

22 MR. BERLING: well, if we do condos in there and  
23 we had to file plats and so forth.

24 MR. BRITT: I believe that would come through  
25 us, yes, sir.

22

1 MR. BERLING: That will come through you. Yeah.  
2 So it's accomplishing the same thing. we don't do  
3 anything with it until either us, or like you say,

1-24-05 baton rouge public hearing.txt  
4 somebody else has a complete plan, and then we'll  
5 come back. But I think you have to do the whole  
6 zone. I don't think you can leave it A-1.  
7 MR. BRITT: Yeah, I think the intent of the PUD  
8 is to try to tie all those together.  
9 MS. DULEY: Can you go with PUD without making  
10 that R-3? What would it be, Jonathan, for condos?  
11 Would that be an R-3?  
12 MR. BRITT: I'm not sure that the City of  
13 Williamstown's ordinance allows for condos, or in  
14 what zone.  
15 UNKNOWN SPEAKER: (INAUDIBLE).....  
16 MR. BERLING: R-3 is not a real hard -- but  
17 with -- if you go below the R-3, you couldn't do  
18 anything but duplexes, and so I think there's some  
19 better designs than just a duplex. You could do some  
20 attached housing with three and four units. We do a  
21 lot of nice townhouses that are four units to a  
22 building, you know. I think the R-3 is what's stated  
23 in your ordinance. I mean, I think they had a reason  
24 for it.  
25 MR. BRITT: But it's not our ordinance.

23

1 MR. BERLING: Well, the City.  
2 MR. BRITT: Right. But, yeah, I think you  
3 truly -- you truly have to look at, like I said, the  
4 intent of that ordinance to try to mix those  
5 multi-family, condos, whatever with the commercial  
6 and the single-family homes. And I think you'll  
7 probably want to discuss buffering between those,  
8 too. That would certainly be a fair justification

9 for a condition of some sort of buffering between  
10 even the multi-family, commercial and the  
11 single-family.

12 MR. BERLING: That's automatic.

13 MR. BRITT: Right.

14 MR. BERLING: We'd have to do that or we don't  
15 sell either site.

16 MR. CHAIRMAN: Any other questions? Do you want  
17 to do your recommendation, Jonathan?

18 MR. BRITT: Again, you know, this is a very  
19 large project. Concerns about traffic, again, I know  
20 that the single-family homes don't create that much  
21 traffic, but put it together with the overall aspect  
22 of the entire area that we're talking about, traffic  
23 is a concern. Access management, you know,  
24 acceleration/deceleration lanes, turn lanes, whatever  
25 those cases may be should be looked at by this

24

1 commission. And again I think we've addressed the  
2 other issues.

3 MR. WEBSTER: When Barnes Road is developed,  
4 there will be a turn lane, right?

5 MR. CHAIRMAN: Yes. Well, in theory when they  
6 get the road built.

7 MR. WEBSTER: Is there room on the Arnie Risen  
8 Road or whatever it is to develop turn lanes in that?

9 MR. BRITT: To answer that question, just from  
10 the conversations I've had with the state, yes, there  
11 is room for tapering and for a turn lane. More  
12 particularly I think they would like to see that at

1-24-05 baton rouge public hearing.txt  
13 the intersection of Arnie Risen and Baton Rouge.  
14 MR. WEBSTER: Will that solve some of your  
15 problem, or does it not?  
16 MR. BRITT: I think it would. Again, maybe a  
17 deceleration lane or an acceleration lane from the  
18 entrance point off of Arnie Risen and then a turn  
19 lane probably at the intersection of Arnie Risen and  
20 Baton Rouge would help alleviate a lot of traffic and  
21 turns to get those people to turn left and to use  
22 that bridge as an access point over -- across the  
23 railroad. It would encourage -- you know, it would  
24 obviously encourage that.  
25 MR. BERLING: If it will help any, we'll commit

25

1 with you now that whatever the state wants us to do  
2 for those access points, we'll do it. I mean,  
3 they -- they know -- I mean, every time we do a  
4 development like this, we'll go to the permits  
5 engineer and their design engineer at the local  
6 district and they tell us what we have to do; if  
7 there's turn lanes or decels, or whatever it is,  
8 we'll do it.  
9 MR. SCROGGINS: I think that will be beneficial  
10 to the project.  
11 MR. WEBSTER: Yeah. Well, we respect our  
12 administrator's concern, and I wanted to get some  
13 clarification on that, and I think we got pretty good  
14 clarification, so I thank you for the information.  
15 MR. CHAIRMAN: Mr. Erpenbeck, will the state  
16 require that?  
17 MR. ERPENBECK: It depends on the traffic count

18 that they project. Development this size with condos  
19 in there, it's very possible they'd want at least a  
20 left turn lane. They're not real big on the  
21 right-hand turn decel lanes. But they have a -- once  
22 you reach a certain traffic count, they will want a  
23 left turn lane, and that project's big enough it may  
24 very well require that.

25 MR. BRITT: And I think that's something that

26

1 this commission could even say, you know, at phase X  
2 or Y that\to\too\two that acceleration or turn lane  
3 be placed at that location. Again, what I meant with  
4 the permit person at the state, they have a section  
5 in their permit requirement that says permit does not  
6 alleviate any requirements of any other local  
7 government. So this local govern -- this local  
8 organization, our planning commission, could require  
9 them to do that even though the state may not require  
10 them to do that.

11 MR. CHAIRMAN: And we would need to do that as  
12 part of the motion?

13 MR. BRITT: Yes, if you felt it necessary.

14 MR. WEBSTER: We'd want turn lanes on the start  
15 of the development, not after they get a certain  
16 number of houses, because the first family goes in  
17 there, they're just as sacred as the 50th family.

18 MR. KINSEY: Just because a lot of the traffic  
19 involves -- and my concern was the peak times, that  
20 this is a strip that connects two different schools.

21 MR. BRITT: Right.

1-24-05 baton rouge public hearing.txt  
22 MR. KINSEY: And a lot of traffic does involve  
23 children on a daily basis, and I would very much be  
24 in favor that we would require that that turn lane be  
25 required at the beginning before development

27

1 occurred.

2 MR. CHAIRMAN: I assume the school system is  
3 aware of this development? Have you all talked to  
4 them at all?

5 MR. HEIDRICK: Not in depth.

6 MR. BRITT: They are aware of it.

7 MR. KINMAN: I'll make a motion to approve it  
8 with those restrictions that Jonathan addressed.

9 MR. CHAIRMAN: Well, you have to have a finding  
10 of fact along with that.

11 MR. KINMAN: (INAUDIBLE)...

12 MR. CHAIRMAN: (INAUDIBLE)... Copy of the plan  
13 as a part of your motion, and part of your motion  
14 being that there will be turn lanes.

15 MR. COVINGTON: What Jonathan said.

16 MR. BRITT: I think at the intersection of  
17 Baton Rouge and Arnie Risen, a left turn lane.

18 MR. COVINGTON: A right one, I heard that  
19 (INAUDIBLE)...

20 MR. BRITT: And I feel a little hesitant to do  
21 that to the developer since the right turn lane,  
22 that's probably not a lot of that is going to be his  
23 traffic, but turning left, a lot of that will be.  
24 And, you know, I think it's something that's possible  
25 for some point in time that it might make a good

28



1 intersection, a light, and if we go ahead a make it  
2 for a turn lane in there, it will hopefully alleviate  
3 some of that future problem 20 years from now.

4 MR. CHAIRMAN: We have a motion for a zone  
5 change from Agriculture-1 to PUD because the project  
6 does not -- the change is not in conflict with the  
7 comprehensive plan, and that the turn lane be at the  
8 corner of Arnie Risen and Baton Rouge Road. Is that  
9 your motion? Let me get a second. Howard, you  
10 second it?

11 MR. BREWER: Yes, sir.

12 MR. CHAIRMAN: Now, any discussion?

13 MR. KINSEY: So we're just putting a turn lane  
14 on the end, and we're not looking at the -- can you  
15 clarify where the turn lane is really located in his  
16 motion?

17 MR. BRITT: I think the turn lane should be  
18 located at the large intersection with Arnie Risen  
19 Boulevard and Baton Rouge Road.

20 MR. KINSEY: Turn lane on Arnie Risen.

21 MR. COVINGTON: On Arnie Risen.

22 MR. BRITT: Right, on Arnie Risen.

23 MR. KINSEY: Is that clear on the motion? I  
24 wanted to make sure that that's the way the motion's  
25 going to read.

29

1 MR. BRITT: Well, we're not going to turn left  
2 across the railroad tracks; is that right?

3 MR. CHAIRMAN: Turn lane on northbound on Arnie

1-24-05 baton rouge public hearing.txt  
4 Risen Boulevard. Will you incorporate that in your  
5 motion, Mr. Kinman?  
6 MR. KINMAN: Yes.  
7 MR. CHAIRMAN: And we still have a second? Any  
8 further questions or discussions? Seeing none, you  
9 want to do a roll call vote, Becky?  
10 MS. RUHOLL: Yes. Vernon Webster?  
11 MR. WEBSTER: Yes.  
12 MS. RUHOLL: Nick Kinman?  
13 MR. KINMAN: Yes.  
14 MS. RUHOLL: Bill Marksberry?  
15 MR. MARKSBERRY: Yes.  
16 MS. RUHOLL: Nancy Duley?  
17 MS. DULEY: Yes.  
18 MS. RUHOLL: Dan Scroggins?  
19 MR. SCROGGINS: Yes.  
20 MS. RUHOLL: William Covington?  
21 MR. COVINGTON: Yes.  
22 MS. RUHOLL: Howard Brewer?  
23 MR. BREWER: Yes.  
24 MS. RUHOLL: Marlon Kinsey?  
25 MR. KINSEY: Yes.

30

1 MS. RUHOLL: Rick Dalton?  
2 MR. DALTON: Yes.  
3 MR. CHAIRMAN: All voting for. We'll pass that  
4 to the City of Williamstown for their final action on  
5 it?  
6 MR. BERLING: Thank you again.  
7 MR. CHAIRMAN: Thank you.  
8

9     THEREUPON, the Public Hearing was adjourned.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

31

1     COMMONWEALTH OF KENTUCKY)  
2     STATE-AT-LARGE                 }  
3                     I, Sheri A. McKinley,  
4     Kentucky-Certified Court Reporter and Registered  
5     Professional Reporter and Notary Public in and for the  
6     State of Kentucky at Large, certify that the facts  
7     stated in the caption hereto are true; that I am  
8     neither a party or relative to said action; that said  
9     proceeding was taken down by me in stenotype and later  
10    reduced to computer-aided transcription, and the  
11    foregoing is a true record of the Hearing.  
12                     My commission expires: May 25, 2006.

1-24-05 baton rouge public hearing.txt  
IN TESTIMONY WHEREOF, I have hereunto  
set my hand and seal of office on this the 21st day of  
February, 2005.

\_\_\_\_\_  
Sheri A. McKinley, CCR, RPR  
Notary Public-State at Large